

District Judge Kymberly K. Evanson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KHADRA XIRSI, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE, *et al.*,

Defendants.

No. 2:23-cv-699-KKE

STIPULATED MOTION AND ORDER
TO HOLD CASE IN ABEYANCE

Plaintiffs and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to stay these proceedings for 120 days. Plaintiff brings this litigation pursuant to the Mandamus Act seeking, *inter alia*, to compel the U.S. State Department to adjudicate Plaintiff Siyad's request for an immigrant visa. Currently, Siyad's immigrant visa request remains refused pursuant to section 221(g) of the Immigration and Nationality Act for administrative processing, which remains ongoing. Defendants' response to the Complaint is currently due on October 2, 2023. For good cause, the parties request that the Court hold this case in abeyance until January 30, 2024.

Courts have "broad discretion" to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). "[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for

counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ. P. 1.

With additional time, this case may be resolved without the need of further judicial intervention. The State Department continues to administratively process of the immigrant visa application, which may be completed within 120 days. A stay would conserve both the parties’ and judicial resources on a case that may become moot. Accordingly, the parties respectfully request that the instant action be stayed until January 30, 2024. The parties will submit a joint status report on or before January 30, 2024.

Dated: September 22, 2023

Respectfully submitted,

TESSA M. GORMAN
Acting United States Attorney

s/Michelle R. Lambert
MICHELLE R. LAMBERT, NYS #4666657
Assistant United States Attorney
United States Attorney’s Office
1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Phone: 253-428-3824
Email: michelle.lambert@usdoj.gov
Attorneys for Defendants

***I certify that this memorandum contains
266 words, in compliance with the Local
Civil Rules.***

s/Bart A. Chavez
BART A. CHAVEZ*
23771 Mariner Drive, Apt. 128
Dana Point, California 92629
Phone: 602-578-2045
Email: bachavez2@hotmail.com
(*admitted PHV)

s/Edward A. Nelson
EDWARD A. NELSON, WSBA#30252
Edward Nelson Law Offices PLLC
31620 23rd Avenue S, Ste. 315
Federal Way, Washington 98003

Phone: 253-941-6340
Email: edwardnelson@eanlaw.com
Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

ORDER

The parties' motion (Dkt. No. 9) is GRANTED. This case is held in abeyance until January 30, 2024. The parties shall submit a joint status report on or before January 30, 2024.

DATED this 25th day of September, 2023.



Kymberly K. Evanson
United States District Judge